Remarks

Reconsideration of the above-captioned application is respectfully requested. All pending claims (1-20, of which Claims 1, 16, and 18-20 are independent) have been rejected under 35 U.S.C. §102 as being anticipated by Humpleman et al., USPN 6,198,479. To overcome the rejections, independent Claim 1 has been amended to recite that the wireless module is a wireless module removably connectable by hand to the wireless module port of a user-selected one of at least two host devices, with a host device having a connected removable wireless module establishing a home network communication portal to computers outside the home as supported at, e.g., page 4, line 17 (a PCMCIA is an example of a wireless module that is well known to be removably engageable by hand with a wireless port.) Claim 19 has been amended to specify that the home network portal has a hand-connected removable wireless module.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

Claims 1-20 remain pending.

Rejections Under 35 U.S.C. §102

To support an anticipation rejection, every claim element must be taught or inherent in a single prior art reference, Manual of Patent Examining Procedure (MPEP) §2131. Furthermore, in order to anticipate, a reference must be enabling, Akzo N.V. v. U.S. ITC, 808 F.2d 1471 (Fed. Cir. 1986); see also MPEP §2131.01.

All pending claims (1-20, of which Claims 1, 16, and 18-20 are independent) have been rejected under 35 U.S.C. §102 as being anticipated by Humpleman et al., USPN 6,198,479. It appears that the rejection uses, as both the wireless module connected to the port of the host device and the host device itself, the element 122 of Humpleman et al. in combination with the DSS-NIU of Figure 1.

The element 122 of Humpleman et al. is a satellite, col. 5, lines 50-60, and, not surprisingly, the "DSS-NIU" is a digital satellite service network interface unit. Thus, while satellite communication is wireless, there is no removable wireless module in Humpleman et al. that can be removably engaged with a user-selected one of the host devices of the home network. Only the DSS-NIU can communicate with the satellite, and it is connected to the home network itself, not to a user-selected one of the devices as otherwise required by Claim 1 (as would be provided, in one embodiment, by the recited PCMCIA interface of dependent Claim 8). Further, since satellite communication typically does not entail a removable wireless module in a port of a home device, but rather the dedicated DSS-NIU that is connected to the home network itself, Claim 1 is not suggested by Humpleman et al. Accordingly, Claim 1 (and, for similar reasons, Claim 19) is patentable.

Additionally, the limitations of dependent Claims 7-9 have been alleged to be inherent in Humpleman et al. To be inherent, a feature must necessarily be present in a reference, MPEP §2112. Because it is entirely possible to undertake satellite communication in Humpleman et al. using the DSS-NIU and not a PCMCIA card (Claim 8) or Memory Stick interface (Claim 9), the inherency allegations fail. Further, because it is entirely possible for Humpleman et al.'s network to not include a refrigerator (Claim 7), a refrigerator is not necessarily part of Humpleman et al.

The rejection of independent Claim 16, which includes evaluating the status of a wireless port and then doing something based on the evaluation, has been rejected based solely on col. 11, lines 45-65 of Humpleman et al. But all this portion of the reference states is that home devices, when energized, broadcast their presence and receive IP addresses. There is no evaluation of any wireless port status. In fact, nothing is really evaluated, much less a wireless port - a device in Humpleman et al. simply reports its presence when turned on. Still less is there any teaching in Humpleman et al. that a device broadcasting its presence provides anything other than a presence report, much less that the device is reporting itself to be a home network portal having a connected wireless module as otherwise required by Claim 16. For this reason, Claim 16 (and for similar reasons Claim 20) is patentable.

Claim 18 requires a limitation that is ignored in the combined rejection of Claims 18 and 19, namely, determining which host device in a home network including multiple host devices is a home network portal ***having a connected wireless module***. Instead, the rejection alleges that Humpleman et al. determines a destination device, but Claim 18 as shown above requires much more. Nothing in the relied-upon portions of Humpleman et al. teach or suggest determining whether a host device has a wireless module connected to it, much less doing anything based on this specific determination. For reasons stated previously, there appears to be no reason for Humpleman et al. to consider whether a wireless module is connected to a wireless port of a device since Humpleman et al. envisions use of a DSS-NIU. Accordingly, Claim 18 appears to be patentable.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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